



# PUBLIC NOTICE

**File Number: NRS 11.103**

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Pursuant to Chapter 0400-4-7 of the Department's rules, the proposed activity described below has been submitted for approval under an Aquatic Resource Alteration Permit and §401 Water Quality Certification. This notice is intended to inform interested parties of this permit application and to ask for comments and information necessary to determine possible impacts to water quality. No decision has been made whether to issue or deny this application.

**APPLICANT:** State of Tennessee  
Department of Transportation  
Environmental Planning and Permits Division  
Suite 900, J. K. Polk Bldg.  
505 Deaderick Street  
Nashville, TN 37243-0334  
615-253-2466

**LOCATION:** SR-131 from SR-9 to south of Gill Road Knox County (lat36.0185/long84.0458)

**PROJECT DESCRIPTION: IMPACT:**

Due to the addition of a stormwater relief channel to correct an issue with ponding water on an adjacent landowner the applicant proposes to modify the existing permit coverage under NRS11.103 to increase the total permanent impact footage at Station 2+445(Lt) – 2+552(Lt) from the originally permitted 0.32 to 0.51 and thereby increase the mitigation at the Shady Valley Wetland Mitigation Bank, at a 1:2 ratio, by 0.38 acres. Although not directly filled the applicant believes there is a likelihood of dewatering the wetlands and proposes mitigating it as a preemptive measure.

**DEGRADATION:** In accordance with the Tennessee Antidegradation Statement (Rule 0400-40-03-.06), the division has determined that the proposed activities will not result in degradation to water quality.

**WATERSHED / WATERBODY DESCRIPTION:** The proposed impacts would affect Beaver Creek and unnamed tributaries and wetlands. The stream flows through a wide channel ~14 - 18 feet wide varying in depth from 1 to 3 feet flowing over a rubble silt/clay substrate and has a moderate canopy of mature hardwoods. The land use in the area is rural agricultural/forested. Department records indicate that a 2004 TDEC biological survey of Beaver Creek (TN06010207011\_1000) from Melton Hill Reservoir to headwaters was impacted by *Escherichia coli*, nitrates, dissolved oxygen, phosphate, physical substrate habitat alterations, sedimentation/siltation due to grazing in riparian or shoreline zones, municipal point source discharges, and discharges from municipal separate storm sewer systems (MS4). The stream was determined to be not exceptional waters in 2007.

More details on the proposal can be viewed on the Internet at <http://www.state.tn.us/environment/ppo/#water>.

*In accordance with the Tennessee Antidegradation Statement (Rule 0400-40-03-.06), the division has determined that the proposed activity will not result in degradation to water quality.*

**Assessment Date:** 2004

**PERMIT COORDINATOR:** Brian Canada

**FACTORS CONSIDERED:** In deciding whether to issue or deny a permit, the department will consider all comments of record and the requirements of applicable federal and state laws. In making this decision, a determination will be made regarding the lost value of the resource compared to the value of any proposed mitigation. The department shall consider practicable alternatives to the alteration. The department shall also consider loss of waters or habitat, diminishment in biological diversity, cumulative or secondary impacts to the water resource, and adverse impact to unique, high quality, or impaired waters.

**COMMENTING:** Persons wishing to comment on the proposal are invited to submit written comments to the department. Written comments must be received within **twenty days of the date that this notice is posted**. Comments will become part of the record and will be considered in the final decision. The applicant's name and permit number should be referenced. Send all written comments to the department's address listed below and to the attention of the permit coordinator.

**PUBLIC HEARING:** Interested persons may request in writing that the department hold a public hearing on this application. The request must be filed within the comment period, indicate the interest of the person requesting it, the reasons that the hearing is warranted, and the water quality issues being raised. When there is sufficient public interest in water quality issues, the department will hold a public hearing. Send all public hearing request to the department's address listed below and to the attention of the permit coordinator.

**APPEAL:** A permit appeal may be filed, pursuant to T.C.A. §§ 69-3-105(i) and Rule 0400-40-05, by the permit applicant or by any aggrieved person who participated in the public comment period announced by this notice. This petition must be filed within TWENTY (20) DAYS after public notice of the issuance of the permit. The petition must specify what provisions are being appealed and the basis for the appeal. It should be addressed to the technical secretary of the Tennessee Board of Water Quality, Oil and Gas at the following address: Tisha Benton, Director, Division of Water Resources, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Ave, 11<sup>th</sup> floor, Nashville, TN 37243. Any hearing would be in accordance with T.C.A. §§69-3-110 and 4-5-301 et seq.

**FILE REVIEW:** The permit application, supporting documentation including detailed plans and maps, and related comments are available at the department's address (listed below) for review and/or copying.

Tennessee Department of Environment & Conservation  
Division of Water Resources, Natural Resources Unit  
William R. Snodgrass Tennessee Tower  
312 Rosa L. Parks Avenue, 11th Floor  
Nashville, Tennessee 37243